

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IGNITE USA, LLC,

Plaintiff,

-vs-

PACIFIC MARKET INTERNATIONAL,  
LLC,

Defendant.

Case No. 16 CV 01929

Chicago, Illinois

April 7, 2017

10:00 AM

TRANSCRIPT OF PROCEEDINGS - Motion  
BEFORE THE HONORABLE ELAINE E. BUCKLO

APPEARANCES:

For the Plaintiff:

CARPENTER LIPPS & LELAND LLP

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For the Defendant:

SEYFARTH SHAW LLP

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1 THE CLERK: 16 CV 1929, Ignite USA vs. Pacific  
2 Market International.

3 THE COURT: Good morning.

4 MR. LEVINSON: Good morning, your Honor. Michael  
5 Levinson and Pat Muffo for the defendant.

6 MR. GOLDBERG: Josh Goldberg for plaintiff, your  
7 Honor.

8 THE COURT: Good morning. What is your response?

9 MR. GOLDBERG: We oppose the motion to stay. I  
10 don't -- we can brief it, if you want. I don't think it's  
11 necessary. We've briefed this issue in a prior motion to  
12 stay and obviously --

13 THE COURT: But when I denied it, it was because  
14 there -- I mean, there hadn't been anything filed. Now they  
15 filed something.

16 MR. GOLDBERG: They filed something and the IPR has  
17 come down. But as we state in our papers, it's at your  
18 discretion. It's not an automatic rule. There is case law,  
19 even in this district that, even with a pending IPR, you  
20 don't need to stay.

21 I would just note that we have an April 18th  
22 discovery cutoff. It's my understanding, I was not involved  
23 in these conversations, and counsel can correct me if I'm  
24 wrong, but a day or two before the IPR came down, there was a  
25 discussion of an agreed extension to just complete some

1 depositions. You know, we think you have the discretion to  
2 do it. We don't think it's necessary.

3 THE COURT: Well, I know I have discretion.

4 MR. GOLDBERG: Right.

5 MR. LEVINSON: If I might, your Honor, no discovery  
6 has been taken in this case because the alleged infringing  
7 product was last sold over two years ago.

8 THE COURT: I saw that in your motion.

9 MR. LEVINSON: I think both parties decided -- and  
10 the sales were de minimus. I think both parties decided to  
11 wait literally until the last minute and on the 33rd day  
12 prior to the discovery close, we both served some discovery.  
13 In the meantime, the IPR came down granting review on all of  
14 the claims asserted here. And if there were ever a case for  
15 a stay pending an IPR, this is it.

16 THE COURT: This time I'm going to grant it. Okay.  
17 How long will it take?

18 MR. LEVINSON: I mean, I'm not quite sure. I think  
19 we're probably talking about a year at this point.

20 MR. GOLDBERG: We've been -- we have multiple  
21 cases, different products, different patents. I think a  
22 couple have been stayed, and we've just been setting, I don't  
23 know, four-month status hearings, or something like that.

24 MR. LEVINSON: Right. Every one has been stayed  
25 pending IPRs.

1 MR. GOLDBERG: With the order saying we will come  
2 back if there is a change in the IPR.

3 THE COURT: All right. I'll set it for  
4 September 22nd.

5 MR. LEVINSON: 22?

6 THE COURT: If something happens before, obviously  
7 let me know. If you get to be the -- unless something  
8 changes -- well, we will deal with it, then. Okay. Thank  
9 you.

10 MR. LEVINSON: Thank you.

11 MR. GOLDBERG: Thank you, your Honor.

12 (Which were all the proceedings heard.)

13 CERTIFICATE

14 I certify that the foregoing is a correct transcript  
15 from the record of proceedings in the above-entitled matter.

16 /s/Sandra M. Tennis  
17 Official Court Reporter

April 13, 2017